

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

PCCP CONSTRUCTORS, JOINT )  
VENTURE, )  
Plaintiff, ) No. 24-646  
v. ) (Judge Hadji)  
THE UNITED STATES, )  
Defendant. )

## DEFENDANT'S ANSWER AND COUNTERCLAIM

For its answer to the complaint, defendant admits, denies, and alleges as follows:

## JURISDICTION

1. Admits the allegations contained in the introductory paragraph and paragraph 1 to the extent supported by the document cited, which is the best evidence of its contents; the remaining allegations in paragraph 1 constitute conclusions of law and plaintiff's characterization of its case to which no response is required.

2. The allegations contained in paragraph 2 constitute conclusions of law to which no response is required.

## PARTIES

3. Denies the allegations contained in paragraph 3 for lack of knowledge or information sufficient to form a belief as to their truth.

4. The allegations contained in paragraph 4 constitute conclusions of law to which no response is required.

BACKGROUND

5. Admits the allegations contained in paragraph 5 to the extent supported by the document cited, which is the best evidence of its contents; otherwise denies the allegations contained in paragraph 5.

6. Admits the allegations contained in the first sentence of paragraph 6 to the extent supported by the document cited, which is the best evidence of its contents; otherwise denies the allegations contained in the first sentence of paragraph 6. Admits the allegations contained in the second sentence of paragraph 6.

7. Admits.

8. Admits the allegations contained in paragraph 8 to the extent supported by the document cited, which is the best evidence of its contents; otherwise denies the allegations contained in paragraph 8.

9. Admits the allegations contained in paragraph 9 to the extent supported by the document cited, which is the best evidence of its contents; otherwise denies the allegations contained in paragraph 9.

THE CONTRACTING OFFICER'S FINAL DECISION

10. Admits the allegations contained in paragraph 10 to the extent supported by the document cited, which is the best evidence of its contents; otherwise denies the allegations contained in paragraph 10.

CAUSE OF ACTION

11. Denies.

12. Denies.

COUNTERCLAIM

13. The Court has jurisdiction for this counterclaim under 28 U.S.C. §§ 1503, 2508.

14. On April 26, 2023, USACE issued a final decision for Contract No. W912P8-12-C-0049 to PCCP JV. As detailed in that final decision, incorporated herein by reference, the final decision is a government claim for design deficiencies which have resulted in design deficiencies which have resulted in basement cracks at the pumps designed and constructed under the subject contract by PCCP JV. Given these deficiencies, USACE demanded payment from PCCP JV of \$1,651,860.74.

15. PCCP JV has failed to pay the government the amounts demanded in the April 26, 2023 final decision. Accordingly, defendant is entitled to payment from PCCP JV of \$1,651,860.74 plus interest.

PRAYER FOR RELIEF

WHEREFORE, defendant requests that the Court enter judgment in its favor in the amount of \$1,651,860.74 plus interest, order that the complaint be dismissed, and grant defendant such other and further relief as the Court may deem just and proper.

Respectfully submitted,

MICHAEL D. GRANSTON  
Deputy Assistant Attorney General

PATRICIA M. McCARTHY  
Director

OF COUNSEL:

JUDITH E. ALMERICO  
Assistant District Counsel

s/Martin F. Hockey, Jr.

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MARTIN F. HOCKEY, JR.  
Deputy Director

WILLIAM G. MEINERS  
Attorney-Advisor  
U.S. Army Corps of Engineers  
New Orleans District

s/Eric E. Laufgraben  
ERIC E. LAUFGRABEN  
Senior Trial Counsel  
Commercial Litigation Branch  
Civil Division  
U.S. Department of Justice  
P.O. Box 480  
Ben Franklin Station  
Washington, DC 20044  
Telephone: (202) 353-7995  
Facsimile: (202) 514-8624  
Email: Eric.E.Laufgraben@usdoj.gov

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Attorneys for Defendant